

WATER CODE - WAT
DIVISION 5. FLOOD CONTROL [8000 - 9651]

(Division 5 added by Stats. 1943, Ch. 369.)

PART 1. LOCAL FLOOD CONTROL [8000 - 8201]

(Part 1 added by Stats. 1943, Ch. 369.)

CHAPTER 1. Flood Control by Cities [8000 - 8061]

(Chapter 1 added by Stats. 1943, Ch. 369.)

ARTICLE 1. General Provisions [8000 - 8007]

(Article 1 added by Stats. 1943, Ch. 369.)

8000.

The provisions of this chapter are intended to be paramount and controlling as to all matters provided for in, and as to all questions arising out of procedure under, this chapter.

(Added by Stats. 1943, Ch. 369.)

8001.

As used in this chapter, "works" includes canals, ditches, levees, dikes, embankments, dams, machinery, and other appropriate or ancillary means of accomplishing the purposes mentioned in this chapter.

(Added by Stats. 1943, Ch. 369.)

8002.

As used in this chapter, "city" means any city, town, or municipal corporation incorporated under the laws of this State.

(Added by Stats. 1943, Ch. 369.)

8003.

As used in this chapter, "city council" includes the legislative body of any city by whatever name it may be designated.

(Added by Stats. 1943, Ch. 369.)

8004.

Every publication required by this chapter shall be made in some newspaper published in the city.

(Added by Stats. 1943, Ch. 369.)

8005.

Except as otherwise specifically provided, if publication is in a daily paper the publication shall appear in at least 10 issues thereof, and if in a weekly paper in at least two issues thereof.

(Added by Stats. 1943, Ch. 369.)

8006.

No publication shall be deemed to have begun until any required preceding publication has been completed.

(Added by Stats. 1943, Ch. 369.)

8007.

A capital improvement project undertaken by a charter city to extend that city's water, sewer, or storm drain system or similar system to a disadvantaged community in an unincorporated area shall be considered a public work for the purpose of Section 1720 of the Labor Code, but any subsequent project to construct, expand, reconstruct, install, or repair such systems that have been so extended and that are conducted within that city's political boundaries shall not be considered a public work for the purpose of Section 1720 of the Labor Code as a result of the extension. For the purpose of this section, "disadvantaged community" means a disadvantaged community as defined in Section 79505.5.

(Added by Stats. 2009, 2nd Ex. Sess., Ch. 7, Sec. 20. Effective May 21, 2009.)

ARTICLE 2. Preliminary Proceedings [8010 - 8016]

(Article 2 added by Stats. 1943, Ch. 369.)

8010.

Any city may, pursuant to this chapter, incur indebtedness and liability, although in excess of the income and revenue provided by it for the current fiscal year, but not so that the aggregate funded indebtedness of the city exceeds 6 per cent of the assessed value of all the real and personal property in the city, for any or all, or any part of, the following purposes:

(a) To protect the city from overflow by water.

- (b) To drain the city.
- (c) To secure an outlet for overflow water and drainage.

(Added by Stats. 1943, Ch. 369.)

8011.

The works may be situated within or without the territorial limits of the city.

(Added by Stats. 1943, Ch. 369.)

8012.

The city council shall have some competent person make general plans and estimates of the cost of the contemplated works.

(Added by Stats. 1943, Ch. 369.)

8013.

The general plans and estimates shall, after adoption, be filed in the office of the clerk of the city, and shall be substantially adhered to thereafter in proceedings under this chapter.

(Added by Stats. 1943, Ch. 369.)

8014.

After the filing of the general plans and estimates, and by resolution or ordinance of intention passed at a regular meeting by a vote of two-thirds of all its members and approved by the executive of the city, the city council shall determine, if so advised, that the public good demands the construction, acquisition, and completion, or either, of the works.

(Added by Stats. 1943, Ch. 369.)

8015.

The city council, by the same resolution or ordinance, shall determine, if so advised, that the cost of the works will be too great to be paid out of the ordinary income or revenue of the city.

(Added by Stats. 1943, Ch. 369.)

8016.

The resolution or ordinance of intention, shall, after its passage and approval, be published.

ARTICLE 3. Election [8020 - 8026]

(Article 3 added by Stats. 1943, Ch. 369.)

8020.

Within one month after the publication of the resolution or ordinance of intention, and by resolution or ordinance passed at a regular meeting by a vote of two-thirds of all its members, and approved by the executive of the city, the city council shall call a special election, and submit to the qualified voters of the city the proposition to incur a debt for any or all of the purposes mentioned in this chapter which have been determined to be demanded for the public good.

(Added by Stats. 1943, Ch. 369.)

8021.

The resolution or ordinance calling the special election shall specify the following:

- (a) The purpose for which the indebtedness is proposed to be incurred.
- (b) The estimated cost of the things proposed.
- (c) That bonds of the city will issue in the amount of the estimated cost.
- (d) The number and character of the bonds.
- (e) The rate of interest to be paid.
- (f) The amount of the tax levy for each year during the outstanding of the bonds to be made for their payment.

(Added by Stats. 1943, Ch. 369.)

8022.

The resolution or ordinance calling the election shall be published.

(Added by Stats. 1943, Ch. 369.)

8023.

The city council shall publish, after the publication of the resolution or ordinance calling the election and prior to the day of holding the special election, a notice of the election, which shall set forth substantially all the matters contained in the resolution or ordinance calling the election.

(Added by Stats. 1943, Ch. 369.)

8024.

The special election shall be held in the manner provided by law for holding elections in the city.

(Added by Stats. 1943, Ch. 369.)

8025.

The votes of two-thirds of all the voters voting at the special election are necessary to authorize the incurring of any indebtedness or the issuance of any bonds under this chapter.

(Added by Stats. 1943, Ch. 369.)

8026.

If two-thirds of all the votes cast at the special election are in favor of the proposition submitted, the city council may, by ordinance reciting the result of the election, provide for the issuance of the proposed bonds and any matter incidental thereto.

(Added by Stats. 1943, Ch. 369.)

ARTICLE 4. Bonds [8030 - 8039]

(Article 4 added by Stats. 1943, Ch. 369.)

8030.

All bonds issued under this chapter shall be serial bonds and of such denominations as the city council determines.

(Added by Stats. 1943, Ch. 369.)

8031.

No bond shall be for less than one hundred dollars (\$100) nor for more than one thousand dollars (\$1,000).

(Added by Stats. 1943, Ch. 369.)

8032.

Not less than one-fortieth part of the whole indebtedness evidenced by the whole of the issue of bonds shall be, by the terms of the bonds, made payable each and every year.

(Added by Stats. 1943, Ch. 369.)

8033.

Each bond shall be made payable in lawful money of the United States on a day and at a place designated in the bond, with interest at the rate specified in the bond.

(Added by Stats. 1943, Ch. 369.)

8034.

The interest rate shall not exceed 8 percent per annum, and shall be fixed by the city council.

(Amended by Stats. 1975, Ch. 130.)

8035.

The place of payment shall be either at the office of the treasurer of the city, or at some designated bank in San Francisco, Chicago, or New York.

(Added by Stats. 1943, Ch. 369.)

8036.

The bonds shall be executed on the part of the city by the mayor or other executive, and the treasurer, and countersigned by the clerk of the city.

(Added by Stats. 1943, Ch. 369.)

8037.

The interest coupons shall be numbered consecutively and signed by the treasurer.

(Added by Stats. 1943, Ch. 369.)

8038.

Any of the bonds may be issued and sold by the city council at not less than its face value.

ARTICLE 5. Powers of City Council [8050 - 8054]

(Article 5 added by Stats. 1943, Ch. 369.)

8050.

The city council of every city in or for which any works are constructed for the purposes specified in this chapter, and for which indebtedness has been incurred under the provisions of this chapter may do any of the following:

- (a) Make all needed rules and regulations for acquisition, construction, and completion of the works.
- (b) Appoint all necessary agents, superintendents, and engineers to supervise and construct the works.
- (c) Protect and preserve the rights and interests of the city in respect to the works.

(Added by Stats. 1943, Ch. 369.)

8051.

All contracts for the works shall be let, in such parcels as the city council determines, to the lowest responsible bidder, after notice inviting sealed proposals has been published.

(Added by Stats. 1943, Ch. 369.)

8052.

Security or bonds may be required in order to guarantee good faith in bidding and in the performance of contracts, or either, in such amount as the city council determines.

(Added by Stats. 1943, Ch. 369.)

8053.

The city council may reject any or all bids.

(Added by Stats. 1943, Ch. 369.)

8054.

The city council may, by resolution, require the treasurer of the city to give additional bonds for the safe custody and care of public funds derived under this chapter.

(Added by Stats. 1943, Ch. 369.)

ARTICLE 6. Taxation [8060 - 8061]

(Article 6 added by Stats. 1943, Ch. 369.)

8060.

The city council, at the time of fixing the general tax levy, and in the manner provided for the general tax levy, shall levy and collect each year for the term of 40 years, a tax sufficient to pay the annual interest on the bonds and also one-fortieth part of the aggregate amount of the indebtedness.

(Added by Stats. 1943, Ch. 369.)

8061.

The taxes required by this chapter to be levied and collected shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same time and in the same manner as other municipal taxes are collected.

(Added by Stats. 1943, Ch. 369.) q